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# **Committee on Utilities & Telecommunications**

**Thursday, March 23, 2006  
2:30 pm – 5:30 pm  
404 HOB**

## **ACTION PACKET**

**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**3/23/2006 2:30:00PM**

**Location:** 404 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kenneth Littlefield (Chair)	X		
Bob Allen	X		
Thomas Anderson	X		
Bruce Antone	X		
Gustavo Barreiro	X		
Marti Coley	X		
Anitere Flores	X		
Denise Grimsley	X		
Bob Henriquez	X		
Randy Johnson	X		
Stan Jordan	X		
Arthenia Joyner	X		
David Mealor	X		
Dave Murzin	X		
Curtis Richardson	X		
Yolly Roberson	X		
Shelley Vana	X		
<b>Totals:</b>	<b>17</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Thursday, March 23, 2006 7:02:12PM

# COMMITTEE MEETING REPORT

## Utilities & Telecommunications Committee

3/23/2006 2:30:00PM

Location: 404 HOB

HB 701 : Alternative Energy

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bob Allen	X				
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley				X	
Bob Henriquez	X				
Randy Johnson	X				
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Shelley Vana	X				
Kenneth Littlefield (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 23, 2006 7:02:12PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0701

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☐ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER ☐

1 Council/Committee hearing bill: Utilities &  
2 Telecommunications Committee  
3 Representative Justice offered the following:  
4

5 **Amendment**

6 Remove line 127 and insert:

7 (b) The President of Enterprise Florida, Inc., or his or  
8 her designee.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0701

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>1</u> (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

1 Council/Committee hearing bill: Utilities &  
2 Telecommunications Committee  
3 Representative Justice offered the following:  
4

5 **Amendment**

6 Remove lines 239 through 243  
7

8 (and renumber subsequent subsections)

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# COMMITTEE MEETING REPORT

## Utilities & Telecommunications Committee

3/23/2006 2:30:00PM

Location: 404 HOB

HB 817 : Telecommunications Carriers of Last Resort

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bob Allen	X				
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley				X	
Bob Henriquez	X				
Randy Johnson	X				
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor	X				
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Shelley Vana	X				
Kenneth Littlefield (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 23, 2006 7:02:12PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0817

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☐ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER ☐

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Murzin offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 364.025,

Florida Statutes, to read:

364.025 Universal service.

(6) (a) For purposes of this subsection:

1. "Owner or developer" means the owner or developer of a  
multitenant business or residential property, any condominium  
association or homeowners' association thereof, or any other  
person or entity having ownership in or control over the  
property.

2. "Communications service provider" means any person or  
entity providing communications services, any person or entity  
allowing another person or entity to use its communications  
facilities to provide communications services, or any person or  
entity securing rights to select communications service  
providers for a property owner or developer.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22        3. "Communications service" means voice service or voice  
23        replacement service through the use of any technology.

24        (b) A local exchange telecommunications company obligated  
25        by this section to serve as the carrier of last resort is not  
26        obligated to provide basic local telecommunications service to  
27        any customers in a multitenant business or residential property,  
28        including, but not limited to, apartments, condominiums,  
29        subdivisions, office buildings, or office parks, when the owner  
30        or developer thereof:

31        1. Permits only one communications service provider to  
32        install its communications service-related facilities or  
33        equipment, to the exclusion of the local exchange  
34        telecommunications company, during the construction phase of the  
35        property;

36        2. Accepts or agrees to accept incentives or rewards from  
37        a communications service provider that are contingent upon the  
38        provision of any or all communications services by one or more  
39        communications service providers to the exclusion of the local  
40        exchange telecommunications company;

41        3. Collects from the occupants or residents of the  
42        property charges for the provision of any communications  
43        service, provided by a communications service provider other  
44        than the local exchange telecommunications company, to the  
45        occupants or residents in any manner, including, but not limited  
46        to, collection through rent, fees, or dues; or

47        4. Restricts or limits a local exchange telecommunications  
48        company's access to the property or enters into an agreement  
49        with a communications service provider that restricts or limits  
50        a local exchange telecommunications company's access to the  
51        property or that grants incentives or rewards to such owner or  
52        developer contingent upon such restriction or limitation.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53        (c) The local exchange telecommunications company relieved  
54 of its carrier of last resort obligation to provide basic local  
55 telecommunications service to the occupants or residents of a  
56 multitenant business or residential property pursuant to  
57 paragraph (b) shall notify the commission of that fact in a  
58 timely manner.

59        (d) A local exchange telecommunications company that is  
60 not automatically relieved of its carrier-of-last-resort  
61 obligation pursuant to subparagraphs (b)1.-4. may seek a waiver  
62 of its carrier of last resort obligation from the commission for  
63 good cause shown based on the facts and circumstances of  
64 provision of service to the multitenant business or residential  
65 property. Upon petition for such relief, notice shall be given  
66 by the company at the same time to the relevant building owner  
67 or developer. The commission shall have 90 days to act on the  
68 petition. The commission shall implement this paragraph through  
69 rulemaking.

70        (e) If all conditions described in subparagraphs (b)1.-4.  
71 cease to exist at a property, the owner or developer requests in  
72 writing that the local exchange telecommunications company make  
73 service available to customers at the property and confirms in  
74 writing that all conditions described in subparagraphs (b)1.-4.  
75 have ceased to exist at the property, and the owner or developer  
76 has not arranged and does not intend to arrange with another  
77 communications service provider to make communications service  
78 available to customers at the property, then the carrier of last  
79 resort obligation under this section shall again apply to the  
80 local exchange telecommunications company at the property;  
81 however, the local exchange telecommunications company may  
82 require that the owner or developer pay to the company in  
83 advance a reasonable fee to recover costs that exceed the costs

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

84 that would have been incurred to construct or acquire facilities  
85 to serve customers at the property initially, and the company  
86 shall have a reasonable period of time following the request  
87 from the owner or developer to make arrangements for service  
88 availability. If any conditions described in subparagraphs  
89 (b)1.-4. again exist at the property, then subparagraph (b)  
90 shall again apply.

91 (f) Nothing in this subsection affects the limitations on  
92 commission jurisdiction imposed by s. 364.011 or s. 364.013.

93 Section 2. This act shall take effect July 1, 2006.

94  
95 ===== T I T L E A M E N D M E N T =====

96 Remove the entire title and insert:

97 A bill to be entitled

98 An act relating to telecommunications carriers of last  
99 resort; amending s. 364.025, F.S.; providing definitions;  
100 providing that a local exchange telecommunications company  
101 obligated to serve as the carrier of last resort is not  
102 obligated to provide basic local telecommunications  
103 service to customers in a multitenant business or  
104 residential property under certain circumstances;  
105 requiring the local exchange telecommunications company to  
106 notify the Public Service Commission when it is relieved  
107 of the obligation to provide service; providing for the  
108 local exchange telecommunications company to request a  
109 waiver of its carrier of last resort obligation from the  
110 commission; providing for carrier of last resort  
111 obligation to apply when specified conditions cease to  
112 exist; providing for effect of the act on the commission's  
113 jurisdiction; providing an effective date.

# COMMITTEE MEETING REPORT

## Utilities & Telecommunications Committee

3/23/2006 2:30:00PM

Location: 404 HOB

HB 871 CS : Telephone Calling Records

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bob Allen			X		
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley				X	
Bob Henriquez	X				
Randy Johnson			X		
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Shelley Vana			X		
Kenneth Littlefield (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 23, 2006 7:02:12PM

**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**3/23/2006 2:30:00PM**

**Location:** 404 HOB

**Workshop**

**HB 1199:**

**Appearances:**

Alan Ciamporcerro, President (Lobbyist) - Proponent

HB 1199

*Verizon*

201 N. Franklin St.

Tampa Florida 33602

Phone:813-483-1285

Bill Peeples (Lobbyist) - Information Only

HB 1199

*Tampa*

PO Box 10930

Tallahassee Florida 32302

Phone:850-566-3029

Charles Dudley (Lobbyist) - Opponent

HB 1199

*FCTA*

108 S. Monroe St. #200

Tallahassee Florida 32312

Phone:850-681-0024

Cheryl Franklin, Community Activist - Proponent

HB 1199

P.O. Box 311131

Tampa Florida 33680

Phone:813-841-8758

Cynthia Barber, General Manager, Utilities Business & Customer Svcs - Opponent

HB 1199

*City of Tallahassee*

492 Meadow Ridge Dr.

Tallahassee Florida

Phone:850-668-4030

David L. Smith, City Attorney - Opponent

HB 1199

*City of Tampa*

315 E. Kennedy Blvd.

Tampa Florida 33602

Phone:813-274-7312

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**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**3/23/2006 2:30:00PM**

**Location: 404 HOB**

John Fons, Governmental Consultant (Lobbyist) - Information Only

HB 1199

*Bell South*

2460 Elfinwing Lane

Tallahassee Florida 32309

Phone:850-933-2721

John W. Smith, Assistant Director (Lobbyist) - Information Only

HB 1199

*Florida League of Cities*

301 S. Bronough St.

Tallahassee Florida 32301

Phone:850-222-9684

Karen Walker, Attorney (Lobbyist) - Proponent

HB 1199

*Bell South*

315 S. Calhoun St.

Tallahassee Florida 32301

Phone:850-224-7000

Mario Goderich, Deputy Director - Opponent

HB 1199

*Miami Dade County Consumer Services Dept.*

140 West. Bradley St., Room 903

Miami Florida 33130

Phone:305-375-4666

Matthew Leibowitz, Principal - Opponent

HB 1199

*Leibowitz & Associates*

1 SE Third Ave

Miami Florida 33131

Phone:305-530-1322

Nicole Fontayne, CIO - Opponent

HB 1199

*Broward County, Board of County Comm*

540 SE 3rd Ave

Ft. Lauderdale Florida 33301

Phone:954-357-5570

Paula Hoisington, Communication Director - Information Only

HB 1199

*Video Access Alliance*

PO Box 14917

Tallahassee Florida 32317

Phone:1-800-539-1470

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**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**3/23/2006 2:30:00PM**

**Location:** 404 HOB

Robert Eschenfelder, Asst. County Attorney - Opponent

HB 1199

*Manatee County*

1112 Manatee Ave. W.

Bradenton F 34206

Phone:941-745-3750

Stephanie Gaskins, President (State Employee) - Opponent

HB 1199

*Tampa Educational Cable Consortium*

703 N. Willow Ave

Tampa Florida 33606

Phone:813-254-2253

Steve Wilkerson, President (Lobbyist) - Opponent

HB 1199

*Florida Cable Telecomm. Assoc.*

6th Ave

Tallahassee Florida 32302

Phone:681-1990

Tom Koutsky, Resident Scholar - Information Only

HB 1199

*Phoenix Center*

5335 Wisconsin Ave, NW

Washington DC

Phone:202-777-3624

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**3/23/2006 2:30:00PM**